

1 MILFORD PLANNING BOARD PUBLIC HEARING  
2 April 2, 2013 Board of Selectmen's Meeting Room, 6:30 PM

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4 Present:

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6 **Members:**

7 Janet Langdell, Chairperson  
8 Kathy Bauer  
9 Chris Beer  
10 Steve Duncanson  
11 Judy Plant  
12 Susan Robinson, Alternate

**Staff:**

Jodie Levandowski, Town Planner  
Shirley Wilson, Recording Secretary  
Zach Knowles, Videographer

**Excused:**

Paul Amato  
Malia Ohlson, Alternate  
Tom Sloan Susan Robinson, Alternate

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17 **MINUTES:**

18 Approval of minutes from the 3/19/13 meeting.  
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21 **NEW BUSINESS:**

22 **Vita L. Vaitkunas Rev. Living Trust & Federal Hill 235 Realty Trust – Federal Hill Rd – Map 53, Lots 67-2**  
23 **and 68;** Public hearing for a lot line adjustment and subdivision to create one new residential lot and to consider  
24 a waiver request from Development Regulations, Section 5.06, Submittal Requirements.  
25 *(New application-Monadnock Survey, Inc., Tabled from 3/19/13)*  
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27 **OTHER BUSINESS:**

28 **Carole M. Colburn – Osgood Rd and Nye Dr – Map 51, Lot 1;** Discussion on future development.  
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Chairperson Langdell called the meeting to order at 6:30PM. She then explained that due to the inclement weather on the regularly scheduled 3/19/13 meeting, all applications were tabled by email to either 3/26/13 or 4/2/13. She then went on to explain the process for the public hearing, introduced the Board and Staff, and read the agenda.

**MINUTES:**

J. Langdell made several revisions to the minutes to reflect the timing and order of the voting. S. Duncanson made a motion to approve the minutes from the 3/19/13 electronic meeting as revised. C. Beer seconded. S. Robinson abstained and all else in favor.

**NEW BUSINESS:**

**Vita L. Vaitkunas Rev. Living Trust & Federal Hill 235 Realty Trust – Federal Hill Rd – Map 53, Lots 67-2 and 68;** Public hearing for a lot line adjustment and subdivision to create one new residential lot and to consider a waiver request from Development Regulations, Section 5.06, Submittal Requirements. This is a new application and was tabled from 3/19/13.

*Abutters present;*

*Thomas Gardner, Colburn Rd*

*Public present:*

*Suzanne Fournier*

*Audrey Fraizer, Chairperson, Milford Conservation Commission*

Chairperson Langdell recognized:

Dawn Tuomala, Monadnock Survey, Inc.

Vita Vaitkunas Cooper

Kenneth Cooper

Alexander Buchanan, Jordan, Maynard & Parodi

C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor. C. Beer made a motion that this application did not present potential regional impact. J. Plant seconded and all in favor. S. Wilson read the abutters list into the record.

D. Tuomala presented revised plans dated 3/15/13 and explained the project to adjust the lot lines between 53/67-2 and 53/68 and then subdivide using parcels A and B to create one new buildable lot. Lot 53/68 with the original farmstead will have 5+ acres and 200ft of frontage on Federal Hill Rd. The new 6.5 acre lot, 53/67-3, will contain the existing house with 200ft of frontage on Federal Hill Rd and will be accessible through an access easement on 53/68-1 only from Federal Hill Rd. The revised 28 acre lot, 53/67-2, will keep the existing 30ft wide access from Colburn Rd. There are four (4) well easements; one new one for 53/67-3, one existing for 53/68, and two existing, from a previous subdivision, for 53/67-2.

The following revisions were made to the plan based on staff recommendations:

1. Note #14 was removed as the Growth Management Ordinance has been repealed,
2. Notes #14 and 15 were added,
3. Note #16 was added,
4. Notes #17, 18, and 19 were added,
5. All monumentation has been set and shown on the plan,
6. Note #7 has been revised,
7. All easement documentation is being drafted.

D. Tuomala explained that the waiver request from Development Regulations 5.06.K and 5.06.L was rewritten and is referenced on Note #20. Sheet 3 shows the topography and we have done the work on lot 67-2 in the past so we have precise topography and wetlands located. Lot 68 uses the USGS contours because there was nothing done previously on that site. There is only one new lot being created and we feel that we have provided sufficient information as it meets or far exceeds the requirements for the Residence R District. Lots 67-3 and 68 have existing houses, existing wells and existing septic systems and all lots are greater than five (5) acres. The shape

86 of the new lot was partially due to the tailings from the former quarry site and those and the man-made slopes are  
87 not included in the 15 acre buildable area for lot 67-2.

88  
89 J. Langdell inquired where the new house could be built. D. Tuomala said somewhere near the quarry and added  
90 that the septic and well will be located in a very good sandy area. J. Langdell asked if there would be a barrier or  
91 some sort of demarcation on the existing driveway to preclude usage of lot 67-2 by persons living in the house on  
92 lot 67-3 and referenced the concern from an abutter regarding the access easement for Colburn Rd. D. Tuomala  
93 said we could possibly put in a barrier but that access would be good to have in an emergency situation and  
94 referenced note #19. J. Langdell said for practical purposes that is access on paper filed at the county registry,  
95 what about years down the road when none of the current parties own the property. D. Tuomala suggested a  
96 adding a note that in the future a gate be installed when the property transfers.

97  
98 V. Cooper said she believes that we are all bound by the notes and references on this plan and any future owners  
99 will also be bound. She currently owns both properties and likes having that access unencumbered. The  
100 driveway is an asset because she has had an occasion where a tree has fallen across the road and it would be  
101 helpful in the case of a medical emergency. A blockage seems overkill and she would be happy to post a “no  
102 trespassing” sign on the property line which would make it illegal to use. Installing a gate would be a little strong  
103 and she doesn’t see this as a problem. J. Langdell said she was just trying to understand the easement that exists  
104 now and was following up on the concern raised from the abutter who has the easement on his property.  
105 Something can be worked out that will be amenable to everyone. D. Tuomala added that the current easement  
106 indicates 53/67-2 and that is why we kept that number for the new lot. C. Beer stated that lot 67-3 does not have  
107 rights to access to Colburn Rd once this plan is recorded. A. Buchanan stated that the easement declaration we  
108 are drafting can be revised and we can certainly negate any easement rights for lot 67-3 over that pre-recorded  
109 easement.

110  
111 C. Beer commented that the lot 67-3 is shaped rather oddly. D. Tuomala said it is due in part to the location of the  
112 septic system and in part to avoid the pile of tailings and to keep them on lot 67-2. We also wanted to hold some  
113 of the natural features and keep the stonewall as the boundary.

114  
115 K. Bauer said the original lot 67-2 was created back when we had private ways. When you create a new  
116 subdivision, not only do we have a new lot but the existing lot is now changed, so in a sense it’s a new lot. If lot  
117 67-2 is considered a new lot, does that change the requirements for how many houses can be on it and the  
118 frontage on Colburn Rd? J. Levandowski said the existing lot, 53/67-2 will be retaining the same tax map number  
119 and same information; it is just a lot line adjustment so it really wouldn’t be considered a new lot. The consensus  
120 of the Board was that lot line adjustments were not considered new lots.

121  
122 J. Langdell explained that due to a mix up with the checklist language on the website, one of the proposed  
123 waivers, for the locations of abutting wells, is no longer necessary. According to the Development Regulations,  
124 it’s a moot point. Furthermore, the Development Regulations now require the delineation of all wetlands and  
125 wetland buffer and delineation of slopes over 25ft. Part of our waiver process is to address how this provides  
126 public justice. D. Tuomala said we’ve met the requirements because two of the lots, 68 and 67-3, are already  
127 developed and we have proved lot 67-2 because most of the topography and wetlands are done and listed in one  
128 of the notes. Parcel A is the only area not done and that is being added to 67-2 as additional land.

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130 Chairperson Langdell opened the hearing to the public.

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132 T. Gardner expressed concerns with the access drive and said he was unclear if there would be more traffic and if  
133 there will be two more homes. D. Tuomala said no, lot 67-3 will not have access to Colburn Rd; they are only to  
134 use Federal Hill Rd. The new house going on lot 67-2 will be the only lot to using the access and there will be no  
135 change to the drive. We are proposing to leave the existing driveway where it is because it is in good shape and  
136 we don’t need to disturb any more of it. T. Gardner inquired where the new house might go. D. Tuomala replied  
137 that it would be located near the quarry and proposed septic area.

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139 Chairperson Langdell closed the public portion of the meeting.

S. Duncanson made a motion to grant the waiver from Development Regulations 5.06.K, *Delineation of wetland and wetland buffers* and 5.06.L, *Delineation of slopes over 25%*. C. Beer seconded. There was no further discussion and all in favor.

J. Langdell stated that the only remaining recommendation from the 3/19/13 staff memo is note #7; *that all applicable easement documentation be submitted to the Town.*

S. Duncanson made a motion to conditionally approve the application subject to staff recommendation #7. C. Beer seconded and all in favor.

**OTHER BUSINESS:**

**Carole M. Colburn – Osgood Rd and Nye Dr – Map 51, Lot 1;** Discussion on future development. This application was tabled from 3/19/13.

Chairperson Langdell recognized:  
Randy Haight, Meridian Land Services, Inc.  
Carole & Steve Colburn  
Penny Seaver, Bean, Seaver & Smith

R. Haight explained that this is the fourth iteration of this plan and explained the history of this project going back to 2006. The final design was for an open space development with a road network going from Osgood Rd to the end of Woodhawk Dr. All the wetlands within the original site were to be set aside as open space connecting nicely with the Badger Hill open space and extend that contiguous open space up to the Hitchiner Town Forest. We also captured the open space on lot 51/1-3 with an easement, in place already, so the open space will still be contiguous even though it will not part of the town's deeded open space and we captured the southern detention area in an easement to be included in the open space. The plan would also provide a second access way out of the Badger Hill subdivision, which is also a positive thing. That plan lay fallow for three years and then we subdivided three lots off the front and then a fourth lot out of the original tract. The original proposal was for 32 lots but with the subdivision of the four recent lots, we now have one less lot due to the geometry but this revised plan is essentially the same although some of the lots had to be reconfigured to comply with state standards. With the recent subdivision we had allowed an access easement over the originally designed road area with the same road and vertical configuration, Lots 51/1-2, 51/1-3 and 51/1-4 have been built or are under construction and take access from that easement with the same understanding that the common driveway would be built to the same design for the proposed road with the exception of the pavement part. The shoulders and grade would be the same so that when the road gets extended, the pavement would be widened and we would enhance travel area but there wouldn't be any compromising of the driveways. That is our intention, to do the whole thing. Although I was not part of yesterday's meeting between the various departments and the Colburns regarding concerns with the driveway construction to date, I do have the notes and memos. The driveway is not yet constructed to the specifications of the original design because it is still in the construction phase but it needs to be done. Mother Nature is the culprit with frost and snow; however, it is our intention and has been all along. Originally, we received a Dredge and Fill permit for two wetland crossings and we also submitted and received approval for the AoT permit. We have received an extension for the AoT that is good through 2015, but the Dredge and Fill permit lapsed on 2/1/13 so we have to re-apply. April is prime vernal pool season so the State wants us to wait and see if anything occurs there and we will re-file afterwards. The wetlands on this site flow in different directions so there is really not a lot of hydraulic water.

J. Langdell asked if the applicant would be moving forward with the entire plan. R. Haight replied yes, that is the intention. J. Langdell said we revised the Open Space Ordinance in 2011. R. Haight said he revisited the Ordinance and added that during the recent conventional lot subdivisions, it was always stated that we would use the original acreage as a basis for the minimum open space. The current site is 85.4 acres so based upon that, we would need to have 38 acres or 40% of the 95 acres as minimum for the open space. Of that we need to have 50% or 19 acres of upland soils less than 25% slopes. The new plan will provide 44.2 acres in open space, exclusive of the private easement and of that we will have 34.4 acres of upland soils. This plan far exceeds the new standard for open space and it includes approximately a 9/10ths of an acre easement also to benefit the open space. This design was really driven by the topography.

C. Beer inquired about the 50ft buffer near the connection at Woodhawk Dr. J. Langdell referred back to 2006 and said that design feature came about due to concerns regarding the protection and consideration of the existing development as well as public access to the wetland area. We try not to do thin perimeter strips for open space but in this case, it serves as a connector. R. Haight said we also wanted to keep the drainage treatment swale on town land and it will be cleaner this way to preserve the existing trails. Our next step is to get the Dredge & Fill permit in place to submit for State subdivision approval, which we haven't done as of yet.

J. Langdell said this has been a long haul but we liked this design the last time as it seemed to fit well and will make a nice neighborhood.

K. Bauer stated that the ZBA special exceptions have expired. R. Haight said we will do what is needed. Many rules changed especially at the state level.

J. Langdell referenced several memos regarding the shared driveway dated 4/1/13. J. Levandowski said all is in process of being worked out with the Fire Department and DPW. The Colburn's were in attendance at that meeting.

S. Colburn said the issue yesterday was that the contractor who is building the third house was unable to get a top coat of gravel on the road and now it has broken up into mud. Everyone was in agreement at the meeting that the top coat will be put down and a culvert put in as soon as possible.

S. Duncanson inquired if there was an agreement with the Badger Hill Association to extend Woodhawk Dr. R. Haight said we don't need one as Woodhawk Dr. is a town road and the current hammerhead would no longer be necessary.

#### **Distinguished Site Award Program:**

J. Langdell brought up the distinguished site award program and again, listed the past recipients; Ciardelli Fuel, Milford Veterinary Hospital, and the French House. We are looking for input from the community about business sites that you think are attractive, that exemplify Milford, and live up to the standards that might be in place for site development. The public is encouraged to participate and submit nomination forms by the end of May. More information can be found on the town's website at [www.milford.nh.gov](http://www.milford.nh.gov) and in the Community Development Office at the Town Hall.

#### **NH Listens Event**

NRPC is sponsoring this event on Tuesday 4/30/13 at 6:00pm at 60 Temple St in Nashua. UNH students are going to be facilitating an opportunity for residents from the 13 towns in our region from Londonderry and Pelham to Wilton and Lyndeborough, including Milford, Amherst, Hollis, Brookline and Mont Vernon to talk about what improvements we'd like to see in our region and what would make this a great place to live, relative to land use, housing, transportation, economic development and environmental issues. More information can be found at [www.milford.nh.gov](http://www.milford.nh.gov) and at [www.nashuarpc.org](http://www.nashuarpc.org).

The meeting was adjourned at 7:45pm.

**MINUTES OF THE APR 2, 2013 PLANNING BOARD PUBLIC HEARING APPROVED APRIL 16, 2013**